

REMARKS

Claims 23 – 40 have been canceled without prejudice or disclaimer of the subject matter thereof.

Claims 59 – 64 have been added.

Claims 1 – 22 and 41 – 64 are present in the subject application, with claims 1 – 13, 17, 20 – 22, 41 – 50, 53 and 56 – 58 being withdrawn from consideration due to a restriction requirement.

In the Office Action dated March 15, 2004, the Examiner takes the position that the claims are directed to more than one invention. The Examiner has further required an election of one of the following groups: Group I (Claims 1 – 22 and 41 – 58), drawn to a device for measuring temperature; or Group II (Claims 23 – 40), drawn to a method of measuring temperature in an IV line. The Examiner has further indicated that upon election of either of the above groups, an election of one of the following species is required: Species I (Figs. 1 – 2); Species II (Fig. 3); Species III (Figs. 4 – 5); Species IV (Figs. 6 – 7); Species V (Fig. 8); Species VI (Figs. 9A – 9B); Species VII (Figs. 10 – 12B); and Species VIII (Fig. 13).

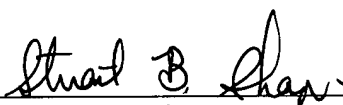
In response to the Examiner's requirement, Applicants elect, without traverse, Group I (Claims 1 – 22 and 41 – 58) and Species VI (Figs. 9A – 9B). Claims 14 – 16, 18 – 19, 51 – 52 and 54 – 55 are considered to read on at least the elected species (Figs. 9A – 9B). New claims 59 – 64 have been added to define various features of the subject invention. These new claims depend, either directly or indirectly, from claims 14 or 51 and are considered to read on at least the elected species. Claims 23 – 40 have been canceled without prejudice or disclaimer of the

subject matter thereof, and Applicants reserve the right to file claims including the subject matter of the canceled and/or non-elected claims in divisional or continuation applications.

In addition, it is respectfully submitted that claims 14 and 51 are generic with respect to at least Figs. 8 – 13. In response to finding elected claims 14 or 51 allowable, Applicants respectfully request consideration of the remaining claims dependent upon claims 14 or 51, respectively.

The application is considered to be in condition for examination and favorable action is earnestly solicited.

Respectfully submitted,



Stuart B. Shapiro
Registration No. 40,169

EDELL, SHAPIRO & FINNAN, LLC
1901 Research Boulevard, Suite 400
Rockville, Maryland 20850-3164
(301) 424-3640

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